

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-44 are all the claims pending in the application. Applicant submits the pending claims define patentable subject matter.

Claim Rejections - 35 USC § 103

Claims 1-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Voit et al. (U.S. Pat. No. 5,805,682; hereinafter "Voit") in view of Palmer et al. (U.S. Pat. App. Pub. No. 2001/0038690; hereinafter "Palmer"). Applicant respectfully traverses this rejection.

Independent claim 1 recites, in part:

A system for providing signals to a television receiver of a user within a television network, the system comprising: an intercept unit connected to a telephone network and intercepting data concerning a telephone call being made to a user's telephone number, communicating the data over the television network to the television receiver of the user,

wherein the television receiver of the user displays the data concerning the telephone call on a television screen associated with the television receiver of the user,

wherein the intercept unit obtains further data comprising prior call information on a caller in dependence on the intercepted data.

The Examiner concedes Voit fails to disclose or suggest, "wherein the intercept unit obtains further data comprising prior call information on a caller in dependence on the intercepted data." However, the Examiner now asserts that Palmer discloses each of these claimed features, and that it would have been obvious for one of ordinary skill in the art at the

time the invention was made to modify Voit in view of Palmer for the benefit of reducing unwanted interruption experienced by the user. Applicant respectfully disagrees with the Examiner's position.

Assuming, *arguendo*, the cited references disclose all of the claimed features, Applicant submits one of ordinary skill in the art, at the time the invention was made, would not have been motivated to modify the references as the Examiner suggests. Specifically, Applicant notes Voit requires an advanced intelligent network (AIN) having a very particular configuration of component parts, i.e., . Such a modification would necessarily require additional components, and would thus, inevitably require a substantial reconstruction and redesign of the component elements of Voit. Consequently, Applicant submits such a modification of Voit, as suggested by the Examiner, would therefore impermissibly change the principle of operation of Voit.¹ Further, modifications requiring such a substantial reconstruction and redesign of the component elements have been held to be indicative of nonobviousness.²

Furthermore, Applicant notes Voit specifically calls for "efficient transport of call related information to a subscriber's CPE[.]"³ Thus, if one of skill in the art were to arbitrarily add additional component parts in order to achieve the modification suggested by the Examiner, the "efficient transport" of Voit would certainly be affected in a negative way. As such, Applicant submits such a modification of the references, as suggested by the Examiner, would render the

¹ See MPEP § 2143.01 (VI).

² See *In re Ratti*, 270 F.2d 810, 813 (CCPA 1959).

³ See Voit, col. 5, lines 3-5.

system of Voit unsatisfactory for its intended purpose. Therefore, Applicant submits there can be no suggestion or motivation to make the proposed modification.⁴

Further, Applicant submits the architecture of Palmer is completely different from the claimed invention. Specifically, Palmer describes telephony services delivered through a Hybrid Fiber Coaxial (HFC) network, whereas the claimed invention uses the HFC network simply for client server communications (e.g., a set-top box at the subscriber's home and a server located at the cable operator head-end). The providing of telephony services (call management including CLI) is done using any operator that places a gateway connected to a switch, for example, which is capable of communicating with the server located at the cable head-end. Thus, the claimed invention can provide telephony services to a broad range of subscribers, not just the cable subscribers who receive telephony services via the HFC network.

In addition, in Palmer, the telephone device is attached to the HFC network, whereas the claimed invention can be applied to any telephone device. For example, a gateway could be used for the CLI interception, and such a gateway could communicate with a server located at the cable head-end. The server could then communicate with the subscribers' set-top boxes (i.e., providing client applications). Thus, the architecture of the claimed invention is completely different from that of the prior art of record.

As an additional example, Applicant notes localities typically offer various telephony-type services to subscribers through a variety of media, i.e., traditional land lines, coaxial cable, fiber, wireless, HFC, etc. The system of Palmer only applies to those telephony services offered through an HFC type network. By contrast, the claimed invention can provide services to any

⁴ See *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984).

type of telephony subscriber. Thus, the architecture of the claimed invention is different from Palmer, as well as the scope of implementation and applicability.

Therefore, Applicant submits one of ordinary skill in the art at the time the invention was made would not have been motivated to modify the applied references as the Examiner suggests. On the contrary, Applicant submits any such a suggestion is only found within the disclosure of the present application. As such, Applicant submits the Examiner's argument impermissibly relies on hindsight reasoning.

Accordingly, Applicant submits independent claim 1 is patentable over the prior art of record for at least the reasons stated above. Further, Applicant submits independent claims 19, 29 and 30 are patentable over the prior art of record for reasons analogous to those stated above regarding independent claim 1. Finally, Applicant submits dependent claims 2-18, 20-28 and 31-44 are patentable over the prior art of record, at least by virtue of their respective dependency on the above-noted independent claims.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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